

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kevin Twyman,

Case No. 21-cv-1793 (WMW/ECW)

Petitioner,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

B. Birkholz and Michael Carvajal,

Respondents.

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This matter is before the Court on the September 1, 2021 Report and Recommendation (R&R) of the United States Magistrate Judge Elizabeth Cowan Wright. (Dkt. 7.) The R&R recommends dismissing this action without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. Objections to the R&R have not been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that the September 1, 2021 R&R, (Dkt. 7), is **ADOPTED** and this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 28, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge